

4:22cv1460

Notice

28 United States Code § 1367

Cum adsunt testimonia rerum quid opus est verbis. When the proofs of facts are present, what need is there of words. 2 Buls. 53.

Registered Mail Number: _____

From: LARRY PRESTON

Near: 5709 langley street

houston republic texas

harris county united states of America

Non-Domestic

Rural free delivery

Zip-code exempt DMM 602 (1.3e)

Circa 27 Day in JUNE 2022 in the year of our lord.
TEXAS

HARRIS COUNTY

THE UNITED STATES OF AMERICA

.preston, :larry: ex rel. LARRY PRESTON a/k/a
Larry Preston (452-78-5739)

Status living

Sui juris jus sanguine

Counter-Claimant

vs.

NEW CENTURY MORTGAGE
CORPORATION, THE BANK OF NEW YORK
MELLON F/K/A THE BANK OF NEW YORK AS
SUCCESSOR IN INTEREST TO JPMORGAN
CHASE BANK, N.A., AS TRUSTEE FOR C-
BASS MORTGAGE LOAN ASSET-BACKED
CERTIFICATES, SERIES 2005-RP2, PHH
MORTGAGE CORPORATION

fiduciary conservators and assignees and
trustees and servicers and money transmitting
businesses not "original" creditors, imposters

Complainants

Security investment Account [LOAN]
#7092385686

AFFIDAVIT OF TRUTH AND REBUTTAL

DECLARATION OF CIVIL VIOLATIONS AND
CRIMINAL DAMAGE CLAIMS AND MOTION
SECOND NOTICE

ORDER SECOND NOTICE

United States Courts
Southern District of Texas
FILED

JUN 27 2022

Nathan Ochsner, Clerk of Court

Affidavit of Truth and Rebuttal

Greetings all and the court

AFFIDAVIT OF TRUTH AND REBUTTAL
DECLARATION OF CIVIL VIOLATIONS AND CRIMINAL
DAMAGE CLAIMS AND MOTION
SECOND NOTICE
ORDER - 1

1
2 "Culpa tenet suos auctores. A fault finds its own."

3 "Culpa lata aequiparatur dolo. A concealed fault is equal to a deceit."

4 "Ex nudo pacto non oritur action. No actions arises on a naked contract without a
5 consideration. See Nudum Pactum."

6 "Factum negantis nulla probatio. Negative facts are not proof."

7 "Falsus in uno, falsus in omnibus. False in one thing, false in everything. 1 Sumn. 356."

8 "Fraus latet in generalibus. Fraud lies hid in general expressions."
9

10
11 Defendant Party entered false evidence that does not show where the liquidated
12 proceeds from my secured personal chattel property had been distributed, the contrivances
13 presented are not records from any Federal Reserve Bank, and I know without a shadow of a
14 doubt that all negotiable instruments are processed and serviced by the Federal Reserve
15 Banking System and therefore I know without a shadow of a doubt that the Defendant's are
16 wasting everyone's time by intentionally not producing the Federal records of the entire
17 transaction, instead they have entered records of me having had unwittingly applied additional
18 funding to my own account due to them threatening to foreclose on my real property address
19 interest that my personal property secures, this is fraud and an act of extortion and due to none
20 of the defendant's being in possession of my secured property, they are all performing
21 racketeering and the Judge is allowing it all to happen right under his nose as if supporting their
22 activities knowing full well that by equity and by law that one party cannot cause the other to
23 become insecure and then forcibly take everything from the one they made insecure
24

25
26 In addition I have raised these points already without a single rebuttal and yes I do take
27 notice that not at any instance has the Counsel for Defendant party entered a single rebuttal,
28 AFFIDAVIT OF TRUTH AND REBUTTALDECLARATION OF CIVIL VIOLATIONS AND CRIMINAL
DAMAGE CLAIMS AND MOTIONSECOND NOTICEORDER - 2

1 only false evidence but no actual rebuttal, and said Counsel is barred from any other
2 underhanded tricks and schemes and plots for to enter false records
3

4 I solemnly profess and declare with all honesty and in good faith these truths and
5 facts before god unequivocally the following:
6

7
8 I am the true living spirit and god housing in flesh as man inhabiting the land
9 known to all and spirit and god and man and man-kind alike that is texas and I am .preston,
10 :larry:
11

12 My estate/state that I am sole-beneficiary is known as LARRY PRESTON

13 My estate/state held in trust/account that I am sole-beneficiary is known as
14 LARRY PRESTON (452-78-5739)
15

16 My estate is always the Grantor in regards to any extensions of credit through
17 trust/account LARRY PRESTON (452-78-5739) and said trust/account LARRY PRESTON (452-
18 78-5739) in regards to tax matters and the internal revenue code and is the Beneficial Owner
19 whom is also the original creditor/consumer/obligor that I execute/secure/sign each extension of
20 credit/issuance from/by the estate for my benefit that is entrusted to the fiducial care of
21 assignees acting as creditors on our behalf as our services acting in good faith in the acquisition
22 and distribution of our secured property and all security interest and proceeds returned back to
23 our beneficial use.
24

25 Each person to follow has never been an original creditor of ours and each
26 person has always been no more than an assignee assigned to our secured property to act as
27 our fiduciary
28

AFFIDAVIT OF TRUTH AND REBUTTALDECLARATION OF CIVIL VIOLATIONS AND CRIMINAL
DAMAGE CLAIMS AND MOTIONSECOND NOTICEORDER - 3

1. NEW CENTURY MORTGAGE CORPORATION
2. THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS
SUCCESSOR IN INTEREST
3. JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR C-BASS MORTGAGE
LOAN ASSET-BACKED CERTIFICATES, SERIES 2005-RP2
4. PHH MORTGAGE CORPORATION

Each aforementioned assignee has agreed to enter the following statement

" I. Information to be produced by Creditor:

c. If Borrower contends that Creditor lacks standing to foreclose, provide
the basis for Creditor's asserted standing. DEFENDANTS' RESPONSES
TO INITIAL DISCOVERY PROTOCOLS FOR RESIDENTIAL
MORTGAGE CASES PAGE 2 AMERICA:1009251/00054: 127528085V.1

N/A"

We the Secured Party and Original Creditor affirm and declare that the Assignee
Creditor collectively and severally and jointly as the fiduciary for our secured property is without
standing to foreclose/sale/administratively attorn/transfer our secured property and secured
interest to another person for another man's benefit for such is against our will and authorization
as well none of them possess our secured property and this we know without a shadow of a
doubt otherwise they would just produce our secured property in its original form bearing our
wet-ink signature proving the basis for their collective complaint

1 In other words, the entire defendant party lacks standing just for intentionally avoiding to
2 prove standing which is expressed in a separate section as follows

3
4 II. Documents to be produced by Creditor:

5 i. The documents signed at the Mortgage Loan closing if origination is at issue.

6 N/A

7 N/A
8

9 The entirety of this matter revolves around the documents signed at the Mortgage Loan
10 Closing for origination of all secured party interest deriving from secured party's property being
11 the balance proceeds held in account "7092385686" in the name of the estate and trust is at
12 issue

13
14 In addition without the Defendant party being in possession of our secured property, they
15 all have caused us being me and my estate to become insecure and they as our fiduciaries and
16 assignees are wholly responsible for making us whole again and remedying their making of us
17 insecure

18
19
20 Furthermore due to the Defendant Party having have caused us to become insecure,
21 they did so breach contract and have ultimately failed at their fiduciary duties and have
22 misappropriated the proceeds deriving from my secured property that none of them are willing
23 to produce in order to prove their standing to assert any claiming for any interest of my proceeds
24 nor the real property that my personal chattel property that was in their possession and fiducial
25 care secures and therefore upon Defendant Party collectively and severally and jointly
26 abandoning their complaints for the real property leaving us in peace will be a setoff and I will
27 forgive the trespass

28 AFFIDAVIT OF TRUTH AND REBUTTALDECLARATION OF CIVIL VIOLATIONS AND CRIMINAL
DAMAGE CLAIMS AND MOTIONSECOND NOTICEORDER - 5

1
2 However as it stands with us having had suffered harassment from our fiduciaries, we
3 pursuant to the law declare affirm and assert federal penalty charges against the defendant
4 party pursuant to Title 15 of the United States Code for the creation of trust in restraint of our
5 trade and we do charge the defendant party collectively pursuant to Title 15 U.S. Code 1, One
6 Hundred Million Dollars with no cents \$100,000,000.00 for they are each corporations and due
7 to each of them participating in what is considered racketeering we include notice of violation of
8 Title 18. U.S. Code 1962
9

10
11 We do not wish to further entertain any of the shenanigans that are being so presented
12 so forth by the defendant party be it in their individual and collective and several and joint
13 capacities
14

15 We accept remedy and restitution for our loss and insecurity pursuant to payment of the
16 penalty charge so set forth therein 15 U.S. Code 1 and do order for Defendant party to pay the
17 fee for satisfaction of our claim and charge
18

19 Payment may be made to the Order of LARRY PRESTON in benefit for preston, larry
20

21 Payment shall begin no later than the tenth calendar day from date of receipt
22

23 In the event that Defendant party wishes to needlessly delay payment for no other
24 reason than to postpone the inevitable bringing up matters and subjects that do not prove they
25 are holders of my secured property, all charges asserted thus far that is 15 U.S. Code 1 in the
26 amount that is \$100,000,000.00 shall be enforced by way of lien and levy and this
27 order/negotiable instrument shall stand
28

AFFIDAVIT OF TRUTH AND REBUTTALDECLARATION OF CIVIL VIOLATIONS AND CRIMINAL
DAMAGE CLAIMS AND MOTIONSECOND NOTICEORDER - 6

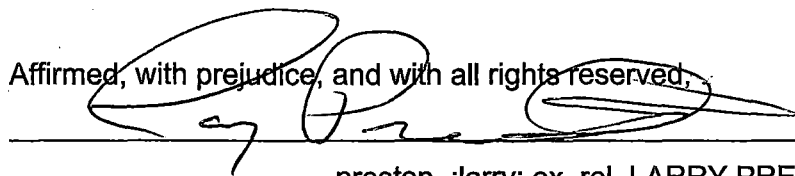
This shall act as notice of default by defendant party for failure to produce the necessary evidence to secure their coactive complaint which is my personal chattel property secured by me that secures my interest in 5709 langley street

And also the Defendant party has chosen to enter false evidence as an insult to my intelligence, the accounting record they need to provide is specifically the record that shows exactly where the liquidated funds from my secured property had originated and where it was distributed and additionally I delivered a bill of credit to pay the amount however the defendant party took the entire bill of credit sent to them and added to the total debt claim they are complaining about as of now, defendant party severally collectively and jointly are frauds and their intentional failure to produce real records and to produce my secured property is evidence enough that they are all performing racketeering in order to commit land theft and property theft This serves against as notice of default

All that which is written is the truth and nothing but the truth so help us God

I .preston, :larry: ex rel. LARRY PRESTON declare by the Laws of the United States of America under the penalty of perjury that the foregoing is true and correct. June 27 2022

Affirmed, with prejudice, and with all rights reserved,



.preston, :larry: ex. rel. LARRY PRESTON

Sui juris jus sanguine

Counter-Claimant

Certificate of Service

I .preston, :larry: ex rel. LARRY PRESTON declare by the Laws of the United States of America under the penalty of perjury that the foregoing is true and correct. June 27 2022

AFFIDAVIT OF TRUTH AND REBUTTALDECLARATION OF CIVIL VIOLATIONS AND CRIMINAL DAMAGE CLAIMS AND MOTIONSECOND NOTICEORDER - 7

1
2
3 Affirmed, with prejudice, and with all rights reserved,

4 
5 .preston, :larry: ex. rel. LARRY PRESTON

6 Sui juris jus sanguine
7 Counter-Claimant
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25 Declaration of Civil Violations and Criminal Damage Claims and Motion:

26 Second notice
27

28 AFFIDAVIT OF TRUTH AND REBUTTALDECLARATION OF CIVIL VIOLATIONS AND CRIMINAL
DAMAGE CLAIMS AND MOTIONSECOND NOTICEORDER - 8

1 Declare civil violation and criminal damage claims against each member of the DEFENDANT
 2 party being an assignee and creditor, being a servicer of the original creditor, operating as a
 3 money transmitting business, acting as consumer reporting agency and debt collector and
 4 motion compensatory damage remedy pursuant to the following violations and charges:
 5

6 U.S. Code Title 18. CRIMES AND CRIMINAL PROCEDURE Part I. CRIMES
 7

8 Charge

9	§ 242. Deprivation of rights under color of law	\$2000
10	§ 245. Federally protected activities	\$2000
11	§ 246. Deprivation of relief benefits	\$10000
12	§ 641 - Public money, property or records	\$10000
13	§ 642. Tools and materials for counterfeiting purposes	\$10000
14	§ 643. Accounting generally for public money	\$10000
15	§ 644. Banker receiving unauthorized deposit of public money	\$10000
16	§ 648. Custodians, generally, misusing public funds	\$10000
17	§ 649. Custodians failing to deposit moneys; persons affected	\$10000
18	§ 650. Depositories failing to safeguard deposits	\$10000
19	§ 651. Disbursing officer falsely certifying full payment	\$10000
20	§ 652. Disbursing officer paying lesser in lieu of lawful amount	\$10000
21	§ 653. Disbursing officer misusing public funds	\$10000
22	§ 654. Officer or employee of United States converting property of another	\$10000
23	§ 654. Officer or employee of United States converting property of another	\$10000
24	§ 656. Theft, embezzlement, or misapplication by bank officer or employee	\$10000
25	§ 657. Lending, credit and insurance institutions	\$10000
26	§ 661. Within special maritime and territorial jurisdiction	\$10000
27	§ 662. Receiving stolen property within special maritime and territorial jurisdiction	\$10000
28	§ 666. Theft or bribery concerning programs receiving Federal funds	\$10000
	§ 1344. Bank fraud	\$1000000
	§ 1348. Securities and commodities fraud	\$1000000
	§ 1349. Attempt and conspiracy	\$1000000
	§ 1962. Prohibited activities	\$1000000

U.S. Code Title 15. COMMERCE AND TRADE

Charge

§ 77e. Prohibitions relating to interstate commerce and the mails	\$10000
§ 77fff - Securities not registered under Securities Act	\$10000

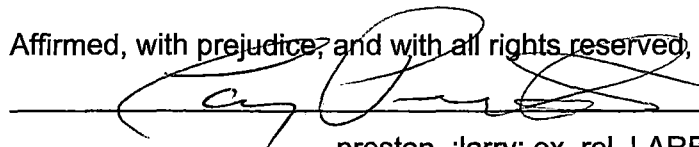
AFFIDAVIT OF TRUTH AND REBUTTALDECLARATION OF CIVIL VIOLATIONS AND CRIMINAL
 DAMAGE CLAIMS AND MOTIONSECOND NOTICEORDER - 9

1	§ 77k - Civil liabilities on account of false registration statement	\$10000
	§ 77o. Liability of controlling persons	\$10000
2	§ 77q - Fraudulent interstate transactions	\$10000
	§ 77w. Unlawful representations	\$10000
3	§ 77z-2a - Conflicts of interest relating to certain securitizations	\$10000
	§ 77i - Civil liabilities arising in connection with prospectuses and communications	\$10000
4	§ 77kkk - Preferential collection of claims against obligor	\$10000
	§ 77ooo - Duties and responsibility of the trustee	\$10000
5	§ 78t. Liability of controlling persons and persons who aid and abet violations	\$10000
	§ 78o-8. Universal ratings symbols	\$10000
6	§ 78o-9. Study and rulemaking on assigned credit ratings	\$10000
	§ 78o-10. Registration and regulation of security-based swap dealers and major security-based swap participants	\$10000
7	§ 78o-11. Credit risk retention	\$10000
8	§ 78t-1. Liability to contemporaneous traders for insider trading	\$10000
	§ 78r. Liability for misleading statements	\$10000
9	§ 1681b. Permissible purposes of consumer reports	\$1000
	§ 1681n. Civil liability for willful noncompliance	\$1000
10	§ 1681o. Civil liability for negligent noncompliance	\$1000
11	Total Charge:	\$ 4356000
12	Total Fee:	\$4356000

13 Originally I had the charge at three hundred thousand being forgiving however since I have
 14 chosen to more thoroughly express the amount of charges and violations with added violations
 15 and charges to wit, remember none of the DEFENDANT party members can produce a single
 16 record proving any funds originated from them and therefore all charges are automatically
 17 weighing against each DEFENDANT party member for none can produce the record and none
 18 have, copies are inadmissible evidence for they lack certification attesting being real and a "real
 19 true copy" is not a certified copy of the finalized and executed negotiable instrument after all
 20 processing had been complete

21 I, .preston, :larry: ex rel. LARRY PRESTON declare by the Laws of the United States of America
 22 under the penalty of perjury that the foregoing is true and correct. June 27 2022

23 Affirmed, with prejudice, and with all rights reserved,



24 .preston, :larry: ex. rel. LARRY PRESTON

25 Sui juris jus sanguine

26 Counter-Claimant

Certificate of Service

I, .preston, :larry: ex rel. LARRY PRESTON declare by the Laws of the United States of America under the penalty of perjury that the foregoing is true and correct. ~~April~~ ^{JUNE} 27 2022

Affirmed, with prejudice, and with all rights reserved,


 .preston, :larry: ex. rel. LARRY PRESTON

Sui juris jus sanguine
Counter-Claimant

Order

(Second Notice)

- I. DEFENDANT party and members are hereby ordered to pay fines for all charges for civil liabilities and criminal damages amounting to \$4356000 and shall make payment as compensation for fines and damages and penalties tendered as United States dollars
- II. This Order and the foregoing documentation shall be added to the current lien deeming all current person liable for the payment as compensation and remedy
- III. DEFENDANT party may deliberate amongst themselves on how they wish to divide the total payment and then furnish such to plaintiff for tax filing execution, else plaintiff will execute at his own will or
- IV. DEFENDANT party may deliver payments in increments of \$95000 US Dollars every thirty calendar days to the following address beginning the thirtieth day upon day of receipt until invoice fully satisfied:

LARRY PRESTON
near 13222 along elaine street
houston republic texas [77047]
harris county united states of America
rural free delivery
- V. Stand Down any and all further trespass against the private estate and compensate the estate all security interest for using the private estate information in the public for profit

VI. Injunction order against any and all use of personal in violation of or not in compliance with the standards so set forth therein 18 U.S. Code § 2386 - Registration of certain organizations

I, .preston, :larry: ex rel. LARRY PRESTON declare by the Laws of the United States of America under the penalty of perjury that the foregoing is true and correct. June 27 2022

Affirmed, with prejudice, and with all rights reserved,



.preston, :larry: ex. rel. LARRY PRESTON

Sui juris jus sanguine

Counter-Claimant

Certificate of Service

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.preston, :larry: ex. rel. LARRY PRESTON

Sui juris jus sanguine
Counter-Claimant

Notice

"Officers of the court have no immunity, when violating a Constitutional right, from liability. For they are deemed to know the law." Owen v. Independence, 100 S.C.T. 1398, 445 US 622.

Title 42 Penalties for Government Officers

The authority for fines (damages) caused by crimes by government officers.

These Damages were determined by GOVERNMENT itself for the violation listed.

Breach Penalty Authority

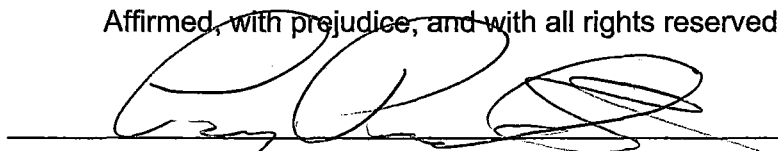
Violation of Oath of Office	\$250,000. 18 USC 3571
Denied Proper Warrant(S)	\$250,000. 18 USC 3571
Denied Right of Reasonable Defense Arguments	\$250,000. 18 USC 3571
Defense Evidence (records)	\$250,000. 18 USC 3571
Slavery (Forced Compliance to contracts not held)	\$250,000. 18 USC 3571
Denied Provisions in the Constitution	\$250,000. 18 USC 3571
Treason	\$250,000. 18 USC 3571
Genocide	\$1,000,000. 18 USC 1091
Misprision of Felony	\$500. 18 USC 4
Conspiracy	\$10,000. 18 USC 241
Extortion	\$5,000. 18 USC 872
Mail Threats	\$5,000. 18 USC 876
Fraud	\$10,000. 18 USC 1001
Falsification of Documents	\$10,000. 18 USC 1001
Perjury	\$2,000. 18 USC 1621
Subornation of Perjury	\$2,000. 18 USC 1622
Grand Theft each	\$250,000. 18 USC 2112

Damages Dealing with claims of "immunity."

Any claim of "immunity" is a fraud because, if valid, it would prevent removal from office for crimes against the people, which removal is authorized and mandated under U.S. Constitution Article 2, Section IV; as well as 18 USC 241, 42 USC 1983, 1985, 1986, and other state Constitutions.

I, Preston, Larry: ex rel. LARRY PRESTON declare by the Laws of the United States of America under the penalty of perjury that the foregoing is true and correct. June 27 2022

Affirmed, with prejudice, and with all rights reserved,



AFFIDAVIT OF TRUTH AND REBUTTAL DECLARATION OF CIVIL VIOLATIONS AND CRIMINAL DAMAGE CLAIMS AND MOTION SECOND NOTICE ORDER - 14

.preston, :larry: ex. rel. LARRY PRESTON

Certificate of Service

I .preston, :larry: ex rel. LARRY PRESTON declare by the Laws of the United States of America
under the penalty of perjury that the foregoing is true and correct. June 27 2022

Affirmed, with prejudice, and with all rights reserved,



.preston, :larry: ex. rel. LARRY PRESTON

Sui juris jus sanguine
Counter-Claimant

cc:

United Nations

Honorable President Joe Biden

High Commissioner for Human Rights

White House Washington DC

Veronica Michelle Bachelet Jeria

International Criminal Court

United States Department of

State

Karim Ahmad Khan

Anthony J. Blinken

United States Justice Department

Attorney Merrick B. Garland

International Court of Justice

Peace Palace

The Hague Netherland